

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

EVAN LAMBERT,	:	
	:	Case No. 4:23-cv-2200
Plaintiff,	:	
v.	:	Judge Benita Y. Pearson
	:	
COLUMBIANA COUNTY, <i>et al.</i>	:	Magistrate Judge Carmen E. Henderson
	:	
Defendants.	:	

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**OFFER OF JUDGMENT PURSUANT TO FED. R. CIV. P. 68  
FROM DEFENDANTS COLUMBIANA COUNTY, CITY OF EAST PALESTINE,  
BRIAN MCLAUGHLIN JENNIFER TUCKER, JAMES BROWN, III,  
AND DANIEL HAUTER**

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Defendants Columbiana County, City of East Palestine, Brian McLaughlin, Jennifer Tucker, James Brown, III, and Daniel Hauter (collectively “Columbiana and East Palestine Defendants”), by and through their respective counsel, hereby make an offer of judgment, pursuant to Fed. R. Civ. P. 68, in the amount of eighty thousand dollars (\$80,000) to Plaintiff Evan Lambert with respect to all federal and state law claims against the Columbiana and East Palestine Defendants, in their respective individual and official capacities, as well as all other past or present employees of the Columbiana County Sheriff and/or Columbiana County, Ohio and/or the City of East Palestine, Ohio.

Should the offer of Judgment be accepted by Plaintiff, reasonable attorney fees as of the date of this offer will be determined by mutual agreement between Counsel of the Columbiana and East Palestine Defendants and Counsel for Plaintiff or, if respective counsel cannot agree, the Court may decide reasonable attorney fees.

The judgment, if entered, shall be entered against only Columbiana County and City of East Palestine. Plaintiffs shall stipulate to dismissal, with prejudice and prior to the entry of judgment, against Brian McLaughlin, Jennifer Tucker, James Brown, III, and Daniel Hauter, in their individual and official capacities, and all other past or present employees of the Columbiana County Sheriff and/or Columbiana County, Ohio and/or the City of East Palestine, Ohio.

The judgment shall be in full satisfaction of all of Plaintiff's federal and state law claims and/or rights that Plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of the Columbiana and East Palestine Defendants and/or any past or present employee of the Columbiana County Sheriff and/or Columbiana County, Ohio and/or the City of East Palestine, Ohio in connection with the February 9, 2023 events that are the subject of Plaintiff's Complaint (Doc. # 1) filed in the Northern District of Ohio on November 13, 2023.

The judgment shall resolve any and all allegations and claims that are set forth, or that could have been set forth, by Plaintiff against the Columbiana and East Palestine Defendants, and/or any past or present employee of the Columbiana County Sheriff and/or Columbiana County, Ohio and/or the City of East Palestine in Plaintiff's Complaint filed February 9, 2023 in Northern District of Ohio Case No. 4:23-cv-2200, captioned *Evan Lambert v. Columbiana County, et al.*

This offer of judgment is not an admission of any liability by any Columbiana and East Palestine Defendant identified herein, and liability is expressly denied. This offer should not be construed as an admission that Plaintiff Evan Lambert is entitled to any damages. Rather, this offer is made in the spirit of Fed. R. Civ. P. 68 and the policy considerations behind the federal rule.

Acceptance of this offer of judgment will act to fully and finally release and discharge the Columbiana and East Palestine Defendants, in their individual and official capacities, and all past or present employees of the Columbiana County Sheriff and/or Columbiana County, Ohio and/or

the City of East Palestine, as well as their agents, partners, insurers, self-insurer pools including County Risk Sharing Authority (“CORSAs”), the Public Entities Pool of Ohio, and their third party administrators as well as all re-insurers, heirs, beneficiaries, executors, administrators, legal representatives, successors, assigns, and all other related persons, firms, or corporations liable or who might be claimed to be liable, none of whom admit any liability to Plaintiff, but all of whom expressly deny any liability from any and all claims, demands, damages, actions, causes of action, or suits of any kind or nature whatsoever, and particularly on account of all injuries and/or loss, known and unknown, both to person and property, arising out of, but not limited to, February 9, 2023 events between Plaintiffs and the Columbiana and East Palestine Defendants and the subsequent arrest, custody and charges of or against Plaintiff.

This offer of judgment will remain open for fourteen (14) days after the service of the offer. If Plaintiff does not serve written notice on the undersigned counsel that the offer is accepted within the stated fourteen (14)-day time period, the offer will be deemed withdrawn pursuant to Fed. R. Civ. P. 68. Evidence of this offer of judgment will not be admissible except in a proceeding to resolve any dispute(s) arising from enforcement of this offer of judgment.

Respectfully submitted:

/s/Gregory A. Beck

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing *Offer of Judgment* was served upon Plaintiff's counsel via electronic mail this 21st day of November 2023 at the following addresses:

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